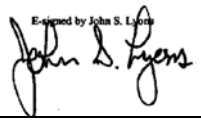
**Commonwealth of Kentucky**
**Energy and Environment Cabinet**
**Department for Environmental Protection**
**Division for Air Quality**
**200 Fair Oaks Lane, 1st Floor**
**Frankfort, Kentucky 40601**
**(502) 564-3999**

**FINAL**

# AIR QUALITY PERMIT

**Issued under 401 KAR 52:020**

| | |
|---|---|
| **Permittee Name:** | **TransMontaigne Product Services, Inc.**<br>**Paducah Terminal** |
| **Mailing Address:** | **P.O. Box 5660**<br>**Denver, Colorado 80217** |
| **Source Name:** | **TransMontaigne Product Services, Inc.** |
| **Mailing Address:** | **233 Elizabeth Street**<br>**Paducah, Kentucky 42003** |
| **Source Location:** | **233 Elizabeth Street**<br>**Paducah, Kentucky 42003** |
| **Permit:** | **V-06-016 R1** |
| **Agency Interest:** | **3071** |
| **Activity:** | **APE20080001** |
| **Review Type:** | **Title V, Construction / Operating** |
| **Source ID:** | **21-145-00052** |
| **Regional Office:** | **Paducah Regional Office**<br>**130 Eagle Nest Drive**<br>**Paducah, KY 42003-9435**<br>**(270) 898 - 8468** |
| **County:** | **McCracken** |
| **Application Complete Date:** | **August 29, 2008** |
| **Issuance Date:** | **September 14, 2006** |
| **Revision Date:** | **November 25,2008** |
| **Expiration Date:** | **September 14, 2011** |



**John S. Lyons, Director**
**Division for Air Quality**

*Revised 05/07/07*

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|---|---|---|---|---|---|
| **V-99-021** | **Initial Title V** | **-----** | **5/19/2000** | **3/9/2000** | **Initial Title V** |
| **V-99-021 R1** | **TV Revision** | **-----** | **4/11/2001** | **8/27/2001** | **Significant Revision** |
| **V-06-016** | **TV Renewal** | **APE20040003 / APE2004002** | **3/30/2006 10/22/2004** | **9/14/2006 9/14/2006** | **TV Renewal and Significant Revision** |
| **V-06-016 R1** | **TV Revision** | **APE20080001** | **8/29/2008** | **TBD** | **TV Minor Revision** |

## SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**Paducah Terminal:**

15 (LR-1) Two-Bay Tank Truck Loading Rack with eleven (11) loading arms and associated pipeline equipment.
Installation Date: 1988
Reconstructed 2001.

| Material | Maximum Loaded |
|---|---|
| Diesel Fuel (distillate) | 40,000 gall/hr (86,303,450 gall/yr) |
| Conventional Gasoline | 40,000 gall/hr (159,925,140 gall/yr) |
| Resin Oil No. 80 (distillate) | 40,000 gall/hr (39,564,000 gall/yr) |
| Jet A/Kerosene (distillate) | 40,000 gall/hr (49,688,000 gall/yr) |

**Riverway Terminal:**

04 (LR-1) Two-Bay Tank Truck Loading Rack with fourteen (14) loading arms and associated pipeline equipment
Installation Date: 6/19/79
Reconstruction 2001.

| Material | Maximum Loaded |
|---|---|
| Diesel Fuel (distillate) | 53,000 gall/hr (238,710,000 gall/yr) |
| Conventional Gasoline/Ethanol | 45,000 gall/hr (270,106,200 gall/yr) |

**Control:** Loading Rack emissions from the two loading racks are controlled by one control unit, a John Zink Vapor Combustion Unit (VCU).
Date Installed: 1988

**APPLICABLE REGULATIONS:**

401 KAR 60:005. [40 CFR Part 60] *Standards of Performance for New Stationary Sources*:

- The applicable provisions in 40 CFR 60.1 to 60.19 (Subpart A), *General Provisions*, which is incorporated by reference in Section 3 of the 401 KAR 60:005; and
- 40 CFR 60.500 to 60.506 [Subpart XX], *Standards of Performance for Bulk Gasoline* Terminals, which is incorporated by reference in Section 3 of the 401 KAR 60:005.

40 CFR 64, *Compliance Assurance Monitoring* (CAM), for volatile organic compounds (VOC).

40 CFR 63 Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities.

- The permittee shall comply with all the requirements specified therein by January 10, 2011.

**REGULATIONS NOT APPLICABLE:**

40 CFR 63, Subpart R, does not apply since the PTE of the source does not equal or exceed 10 tons per year (tpy) for any individual hazardous air pollutant (HAP) and 25 tpy for the combined HAPs.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**1. Operating Limitations:**

a. Tank trucks - loading of liquid product into gasoline tank trucks shall be limited to vapor-tight gasoline tank trucks using the following procedures [401 KAR 60:005; 40 CFR 60.502(e)]:

(1) The owner or operator shall obtain the vapor tightness documentation described in 40 CFR 60.505(b) for each gasoline tank truck that is to be loaded at the affected facility. [40 CFR 60.502(e)(1)]

(2) The owner or operator shall require the tank identification number to be recorded as each gasoline tank truck is loaded at the affected facility [40 CFR 60.502(e)(2)].

(3) The owner or operator shall cross-check each tank identification number obtained in item (b)(2) above with the file of tank vapor tightness documentation within 2 weeks after the corresponding tank is loaded. [40 CFR 60.502(e)(3)(i)]

(4) The terminal owner or operator shall notify the owner or operator of each nonvapor-tight gasoline tank truck loaded at the affected facility within 3 weeks after the loading has occurred. [40 CFR 60.502(e)(4)]

(5) The terminal owner or operator shall take steps assuring that the nonvapor-tight gasoline tank truck will not be reloaded at the affected facility until vapor tightness documentation for that tank is obtained. [40 CFR 60.502(e)(5)]

b. The owner or operator shall act to assure that loading of gasoline tank trucks at the affected facility are made only into tanks equipped with vapor collection equipment that is compatible with the terminal's vapor collection system. [40 CFR 60.502(f)]

c. The owner or operator shall act to assure that the terminal and the tank truck's vapor collection systems are connected during each loading of a gasoline tank truck at the affected facility. Examples of actions to accomplish this include training drivers in the hookup procedures and posting visible reminder signs at the affected loading racks. [40 CFR 60.502(g)]

d. The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the delivery tank from exceeding 4,500 Pascals (450 mm of water) during product loading. This level is not to be exceeded when measured by the procedures specified in **Testing Requirements 3.d** below. [40 CFR 60.502(h)]

e. No pressure-vacuum vent in the bulk gasoline terminal's vapor collection system shall begin to open at a system pressure less than 4,500 Pascals (450 mm of water). [40 CFR 60.502(i)]

f. Each calendar month, the vapor collection system, the vapor processing system and each loading rack handling gasoline shall be inspected during the loading of gasoline tank trucks for total organic compounds liquid or vapor leaks. For purposes of this paragraph, detection methods incorporating sight, sound, or smell are acceptable. Each leak detection shall be recorded and the source of the leak repaired within 15 calendar days after it is detected. [40 CFR 60.502(j)]

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

***Compliance Demonstration Method:***
Refer to **Section B.4**.

**2. Emission Limitations:**

a. Loading rack - The emissions to the atmosphere from the control system due to the loading of liquid product into gasoline tank trucks shall not exceed 35 milligrams ($2.92 \times 10^{-4}$ lb/gallon) of total organic compounds per liter of gasoline loaded, except as noted in 40 CFR 60.502(c). [401 KAR 60:005, 40 CFR 60.502(b)]

b. For each affected facility equipped with an existing vapor processing system, the emissions to the atmosphere from the vapor collection system due to the loading of liquid product into gasoline tank trucks are not to exceed 80 milligrams of total organic compounds per liter of gasoline loaded. [401 KAR 60:005, 40 CFR 60.502(c)]

***Compliance Demonstration Method:***
Compliance with the emission limitation was demonstrated from the initial performance test on March 27, 2002. Refer to **Subsection 3**. **Testing Requirements** for future demonstration of compliance.

**3. Testing Requirements:**

The permittee shall perform emissions testing within 180 days of the issuance of the final permit V-06-016 R1 in order to demonstrate compliance with **Operating Limitations 1.b** and **Emission Limitations 2** of this permit. The testing shall be performed in accordance with the procedures or methods of 40 CFR 60.503 below.

a. For performance testing, the following test methods and procedures are required.
   (1) EPA Reference Test Method 2A or B to monitor volume of air/vapor exhausted per interval as specified in 40 CFR 60, Appendix A
   (2) EPA Reference Method 21 as specified in 40 CFR 60, Appendix A to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded.
   (3) EPA Reference Method 25A or B to determine total organic compounds concentration as specified in 40 CFR 60, Appendix A
   (4) EPA Reference Method 27 to determine gasoline delivery tank pressure as specified in 40 CFR 60, Appendix A

b. Equipment leaks - immediately before the above performance test required to determine compliance with 40 CFR 60.502(b) and (h), the owner or operator shall use Method 21 to monitor for leakage of vapor all potential sources in the terminal's vapor collection system equipment while a gasoline tank truck is being loaded. The owner or operator shall repair all leaks with readings of 10,000 ppm (as methane) or greater before conducting the performance test.

c. Loading rack - the owner or operator shall determine compliance with the standards in 40 CFR 60.502(b) as follows:
   (1) The performance test shall be 6 hours long during which at least 300,000 liters of gasoline is loaded. If this is not possible, the test may be continued the same day until 300,000 liters of gasoline is loaded or the test may be resumed the next day with another complete 6-hour period. In the latter case, the 300,000-liter criterion need not be met. However, as much as possible, testing should be conducted during the 6-hour period in which the highest throughput normally occurs.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

(2) If the vapor processing system is intermittent in operation, the performance test shall begin at a reference vapor holder level and shall end at the same reference point. The test shall include at least two startups and shutdowns of the vapor processor. If this does not occur under automatically controlled operations, the system shall be manually controlled.
(3) The emission rate of total organic compounds shall be computed using the equation specified at 40 CFR 60.503(c)(3).
(4) The performance test shall be conducted in intervals of 5 minutes. For each interval, readings from each measurement shall be recorded, and the volume exhausted and the corresponding average total organic compounds concentration shall be determined. The sampling system response time shall be considered in determining the average total organic compounds concentration corresponding to the volume exhausted.
(5) The following methods shall be used to determine the volume air-vapor mixture exhausted at each interval:
i. Method 2B shall be used for combustion vapor processing systems.
ii. Method 2A shall be used for all other vapor processing systems.
Method 25A or 25B shall be used for determining the total organic compounds concentration at each interval. The calibration gas shall be either propane or butane. The owner or operator may exclude the methane or ethane content in the exhaust vent by any method (e.g., Method 18) approved by the Division.
(6) To determine the volume of gasoline dispensed during the performance test period at all loading racks whose vapor emissions are controlled by the processing system being tested, terminal records or readings from gasoline dispensing meters at each loading rack shall be used.

d. The owner or operator shall determine compliance with the standard in 40 CFR 60.502 (h) as follows:
(1) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument), capable of measuring up to 500 mm of water gauge pressure with ∀2.5 mm of water precision, shall be calibrated and installed on the terminal's vapor collection system at a pressure tap located as close as possible to the connection with the gasoline tank truck.
(2) During the above performance test, the pressure shall be recorded every 5 minutes while a gasoline truck is being loaded; the highest instantaneous pressure that occurs during each loading shall also be recorded. Every loading position must be tested at least once during the performance test.

**4. Specific Monitoring Requirements:**

a. Tank trucks - refer to **Operating Limitations 1.a through f** and **Specific Recordkeeping Requirements 5.b(1) through b(8).**
b. Equipment leaks - refer to **Testing Requirements 3.b** and **Specific Recordkeeping Requirements 5.c**.
c. Maintain Material Safety Data Sheets (MSDS) or certified records for each material type including type of gasoline loaded which indicate the vapor pressure (P) (psia) and vapor molecular weight (M).
d. Maintain a log of gallons of petroleum products loaded or processed.
e. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

f. Monitor and maintain a log of monitoring requirements specified under **Section B.7.**

g. See **Specific Control Equipment Operating Conditions 7** for applicable requirements pursuant to 40 CFR 64, *Compliance Assurance Monitoring*.

**5. Specific Record Keeping Requirements:**

a. The tank truck vapor tightness documentation required under 40 CFR 60.502(e)(1) shall be kept on file at the terminal in a permanent form available for inspection. [40 CFR 60.505(a)]

b. The documentation file for each gasoline tank truck shall be updated at least once per year to reflect current test results as determined by Method 27 of 40 CFR 60 Appendix A. This documentation shall include, as a minimum, the following information: [40 CFR 60.505(b)]
   (1) Test title: Gasoline Delivery Tank Pressure Test EPA Reference Method 27.
   (2) Tank owner and address.
   (3) Tank identification number.
   (4) Testing location.
   (5) Date of test.
   (6) Tester name and signature.
   (7) Witnessing inspector, if any: name, signature, and affiliation.
   (8) Test results: Actual pressure change in 5 minutes, mm of water (average for 2 runs).

c. A record of each monthly leak inspection required under item **Operating Limitation: Terminal 1.g** shall be kept on file at the terminal for at least 5 years. Inspection records shall include, as a minimum, the following information: [40 CFR 60.505(c)]
   (1) Date of inspection.
   (2) Findings (may indicate no leaks discovered; or location, nature, and severity of each leak).
   (3) Leak determination method.
   (4) Corrective action (date each leak repaired; reasons for any repair interval in excess of 15 days).
   (5) Inspector name and signature.

d. The terminal owner or operator shall keep documentation of all notifications required under 40 CFR 60.502(e)(4) on file at the terminal for at least 5 years. [401 KAR 52:020, Section 10; 40 CFR 60.505(d)]

e. The owner or operator shall keep records of all replacements or additions of components performed on an existing vapor processing system for 5 years. [401 KAR 52:020, Section 10; 40 CFR 60.505(f)]

f. Maintain quarterly records of the Calculated Controlled Emission Rate (lb/gallon) in accordance with **Emission Limitations 2**.

g. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS** items 5 and 10.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**6. Specific Reporting Requirements:**

Every six (6) months, report the volume of gasoline loaded, and Calculated Controlled Emission Rate (lb/gallon) to the Division's Paducah Regional Office. Records required under each section shall be maintained on site for a period of five (5) years after each is recorded, and the permittee shall provide these records to Division or regional office personnel upon request

**7. Specific Control Equipment Operating Conditions:**

Pursuant to 40 CFR 64.4(a)(1) and the CAM plan filed on August 23, 2004, the permittee shall provide reasonable assurance of compliance with the VOC emission limitations or standards for gasoline truck loading operations utilizing a vapor combustion unit control system as follows:

a. The permittee shall install and maintain a thermocouple or any other equivalent device, including an ultraviolet flame detector (UFD), to detect and continuously monitor for the presence of a pilot flame.
b. The permittee shall monitor the vapor combustion unit (VCU) as follows:
   (1) Monitor the UFD controller logic signal at all times of gasoline loading to ensure that the VCU is in operation and a flame is present, and record all excursions when the UFD signal is not detected during loading and the response steps taken to repair and correct the system.
   (2) Monitor and record the hydrocarbon vapor pressure in the line to the VCU shall be performed daily during normal working operational hours when gasoline loading is occurring, and record all instances of pressure relief valve opening and collection system bypass, or automatically shut down the loading operation in the event of a malfunction.
   (3) Monitor and record the temperature in the combustion zone daily during normal working operational hours when gasoline loading is occurring, or automatically shut down the loading operation in the event of a malfunction.
   (4) Perform a daily inspection of the VCU for flame presence and flame appearance during normal working operational hours when gasoline loading is occurring, or automatically shut down the loading operation in the event of a malfunction.
   (5) Perform a qualitative visual observation of the opacity emissions from the VCU stack on a weekly basis during gasoline loading and flame presence. he VCU shall have no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. If visible emissions from the stack are seen, then the opacity shall be determined by Reference Method 9. f emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of the control system for all necessary repairs.
   (6) Monthly inspections and routine maintenance performed on the system as required per **Operating Limitations 1.g.**

**8. Alternate Operating Scenarios:** None

**9. Compliance Schedule:** None

**10. Compliance Certification Requirements:**

Refer to **Section F, Condition 9**.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**Petroleum Products Storage Facilities:**

**Paducah Facility:**

| | | |
|---|---|---|
| 16(T-101) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 1,292,649 gallons capacity (4,899 $m^3$) | Installed 1958 |
| 17(T-102) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 659,400 gallons capacity (2496 $m^3$) | Installed 1958 |
| 18(T-103) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 1,352,400 gallons capacity (5120 $m^3$) | Installed 1958 |
| 19(T-104) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 1,222,200 gallons capacity (4627 $m^3$) | Installed 1958 |

**Riverway Facility:**

| | | |
|---|---|---|
| 02(T-1) | External Floating Roof Gasoline or lower vapor pressure product storage tank 1,218,000 gallons capacity (4611 $m^3$) | Installed 1948 |
| 03(T-2) | Internal Floating Roof Gasoline or lower vapor pressure vapor product storage tank 588,000 gallons capacity (2226 $m^3$) | Installed 1939 |
| 10(T-3) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 588,000 gallons capacity (2226 $m^3$) | Installed 1939 |
| 11(T-4) | Internal Floating Roof Gasoline / Ethanol or lower vapor pressure product storage tank 252,000 gallons capacity (99.94 $m^3$) | Installed 1939 |
| 12(T-5) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 210,000 gallons capacity (799.9 $m^3$) | Installed 1939 |
| 09(T-6) | External (with dome) Floating or lower vapor pressure product storage tank 1,260,000 gallons capacity (4770 $m^3$) | Installed 1954 |
| 14(T-7) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 210,000 gallon capacity (799.9 $m^3$) | Installed 1939 |
| 08(T-8) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 210,000 gallon capacity (799.9 $m^3$) | Installed 1939 |
| 13(T-9) | Internal Floating Roof Gasoline or lower vapor pressure product storage tank 210,000 gallon capacity (799.9 $m^3$) | Installed 1939 |

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**APPLICABLE REGULATIONS (petroleum products only):**

**401 KAR 50:012**, *General Application.* This regulation requires, at a minimum, that a major source apply control procedures that are reasonable, available, and practical. To satisfy this requirement, the operational requirements under Section 4 of 401 KAR 61:050, *Existing Storage Vessels for Petroleum Liquids,* have been incorporated below. The requirements of 401 KAR 61:050 are not directly applicable to the listed storage vessels, but are incorporated to satisfy the requirements of 401 KAR 50:012.

40 CFR 63 Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The permittee shall comply with all the requirements specified therein by January 10, 2011.

**1. Operating Limitations (petroleum products only):**

Pursuant to 401 KAR 50:012, the permittee shall comply with the requirements of 401 KAR 61:050, Section 5 as follows:

a. There shall be no visible holes, tears, or other openings in the seal or any seal fabric.

b. All openings, except stub drains, shall be equipped with covers, lids, or seal so that:
   (1) The cover, lid, or seal is in the closed position at all times except during actual use;
   (2) Automatic bleeder vents are closed at all times, unless the roof is floated off or landed on the roof leg supports; and
   (3) Rim vents, if provided, are set to open if the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.

c. External floating roof tanks shall meet the additional requirements:
   (1) The seals shall be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall.
   (2) The gap area of gaps exceeding 0.32 cm (one-eight (1/8) in) in width between the secondary seal installed pursuant to 401 KAR 61:050, Section 3(4)(a), and the tank wall shall not exceed 6.5 sq. cm./0.3 m of tank diameter (1.0 sq. in/ft).
   (3) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall provide a projection below the liquid surface.
   (4) Any emergency roof drain shall be provided with a slotted membrane fabric cover or equivalent that covers at least ninety (90) percent of the area of the opening.

d. If the storage vessel has storage capacity greater than 151,400 liters (40,000 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than seventy-eight (78) mm Hg (1.5 psia) but not greater than 574 mm Hg (11.1 psia) the storage vessel shall be equipped with a floating roof, a vapor recovery system, or their equivalents.

e. If the storage vessel has storage capacity greater than 151,400 liters (40,000 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is greater than 574 mm Hg (11.1 psia) the storage vessel shall be equipped with a vapor recovery system, or their equivalents.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

f. If the storage vessel has a storage capacity greater than 2,199.9 (580 gallons), and if the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 10.3 kilopascal (1.5 psia), as a minimum it shall be equipped with a permanent submerged fill pipe.

g. If the storage vessel is an external floating roof tank with a storage capacity greater than 151,000 liters (40,000 gallons), it shall be retrofitted with a continuous secondary seal extending from the floating roof to the tank wall (a rim-mounted secondary seal) if:
   (1) The tank is a welded tank, the true vapor pressure of the contained liquid is 27.6 kilopascal (4.0 psia) or greater, and the primary seal is one of the following:
      (a) A metallic-type shoe seal, a liquid-mounted foam seal, or a liquid-mounted liquid -filled type seal; or
      (b) Any other closure device which can be demonstrated equivalent to the above primary seals.
   (2) The tank is riveted tank and the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater.
   (3) The tank is a welded tank, the true vapor pressure of the contained liquid is 10.3 kilopascal (1.5 psia) or greater, and the primary seal is vapor-mounted. If this primary seal closure device can be demonstrated equivalent to the primary seals described in 1.g.(1) above, then the secondary seal is required if the vapor pressure is 27.6 kilopascal (4.0 psia) or greater.

***Compliance Demonstration Method:***
Refer to **Specific Monitoring Requirements 4**.

**2. Emission Limitations:**
See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.

**3. Testing Requirements:**
None.

**4. Specific Monitoring Requirements:**
The petroleum storage tanks listed above shall comply with the requirements of 401 KAR 61:050, Section 5 as follows:

a. If a liquid having a true vapor pressure greater than 7.0 kPa (1.0 psia) is stored in an external floating roof tank with a capacity of greater than 151,400 liter (40,000 gallons) not equipped with a secondary seal or approved alternative control technology, the owner or operator shall maintain a record of the average monthly storage temperature, the type of liquid, and the Reid vapor pressure of the liquid. The owner or operator shall retain the records for five (5) years after the date on which the record was made.

b. The true vapor pressure shall be determined by using the average monthly storage temperature and typical Reid vapor pressure of the contained liquid or from typical available data on the contained liquid. Supporting analytical data shall be requested by the Division if there is a question on the values reported.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

c. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS,** Items 5 and 10.

**5. Specific Record keeping Requirements:**

a. For external floating roof storage tanks, refer to **Specific Monitoring Requirements 4.a**.

b. For all storage tanks or vessels, the permittee shall maintain a record of the tank or vessel identification, initial storage starting date for type of liquid stored, type of liquid stored in the respective tank or vessel, vapor pressure (kPa or psia), and the duration time of the liquid stored. A material safety data sheet (MSDS) for the petroleum product or other materials maybe submitted provided the above information is included on the MSDS. The permittee shall retain the records for five (5) years after the date on which the record was made.

c. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS** , Items 5 and 10.

**6. Specific Reporting Requirements:**

The permittee shall provide the above records to Division or Paducah Regional office personnel upon request.

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**9. Compliance Schedule:**

None

**10. Compliance Certification Requirements:**

None

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

**05 (RBRG-1) Barge Loading**
Construction Date: Approximately 1938
Control Device: None

| Material | Maximum throughput (mgal/yr) |
|---|---|
| Distillate (Diesel, Resin Oil No. 80, and Jet A/Kerosene) | 70,000,000 |

**APPLICABLE REGULATIONS:**

401 KAR 63:002, Section 3, incorporating by reference 40 CFR Part 63 Subpart Y, *National Emission Standards for Marine Vessel Loading and Unloading Operations*. Because the source has less than 10 TPY HAPs, this MACT standard does not apply, and RACT emissions standard specified at 40 CFR 63.562 are not applicable. However, for existing barge loading operations, the record keeping requirements of 40 CFR 63.567(j)(4) and the emission estimation requirements of 40 CFR 63.565(l) apply to sources with HAP emissions less than 10 TPY and combined HAP emissions less than 25 TPY.

40 CFR 63 Subpart BBBBBB, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. The permittee shall comply with all the requirements specified therein by January 10, 2011.

**1. Operating Limitations:**
None

**2. Emission Limitations:**

a. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide HAP emission limitations.

b. Pursuant to 40 CFR Part 63, Subpart Y, no emission limitation exists, however, the permittee shall comply with the emission estimation requirement of 40 CFR 63, Subpart Y. Refer to **5. Specific Recordkeeping Requirements**.

**3. Testing Requirements:**
None

**4. Specific Monitoring Requirements:**
None

**5. Specific Recordkeeping Requirements:**

a. The owners or operators of marine tank vessel loading operations specified in 40 CFR 63.560(a)(3) shall retain records of the emissions estimates determined in 40 CFR 63.565(l) and records of their actual throughput by commodity for 5 years. A commodity means a distinct product that a source loads onto marine tank vessels.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

b. Emission estimation procedures: For sources with HAP emissions less than 10 or 25 tons and sources with HAP emissions of 10 or 25 tons, the owner or operator shall calculate an annual estimate of HAP emissions, excluding commodities exempted by 40 CFR 63.560(d), from marine tank vessel loading operations. Emission estimates and emission factors shall be based on test data, or if test data is not available, shall be based on measurement or estimating techniques generally accepted in industry practice for operating conditions at the source.
c. When barge loading at the Paducah facility, maintain a log of the date loaded, material, and vapor pressure.
d. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS** items 5 and 10.

**6. Specific Reporting Requirements:**

a. Report the volume of liquid loaded out by barge on a tanker-by-tanker basis. Calculate emissions from the loading operation using the most current guidance provided in AP-42. Records shall be maintained on site for a period of five (5) years after each record is recorded, and the permittee shall provide these records to Division or regional office personnel upon request.
b. Refer to **Specific Recordkeeping Requirements 5.a and 5.b.**
c. Refer to **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS** items 5 and 10.

**7. Specific Control Equipment Operating Conditions:**

None

**8. Alternate Operating Scenarios:**

None

**9. Compliance Schedule:**

None

**10. Compliance Certification Requirements:**

None

## SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. Although these activities are designated as insignificant the permittee must comply with the applicable regulation. Process and emission control equipment at each insignificant activity subject to an opacity standard shall be inspected monthly and a qualitative visible emissions evaluation made. Results of the inspection, evaluation, and any corrective action shall be recorded in a log.

| | Description | Generally Applicable Regulation |
|---|---|---|
| (--) | Surface painting of tanks (1,000 gals/yr. maximum) | 401 KAR 61:020 |
| (PBRG-1) | Barge Loading, low vapor pressure petroleum products loaded only for Paducah facility | None |
| (ECV-1) | Emergency Containment Vessel for (LR-1) | None |
| Low VP (less than 1.5 PSIA) petroleum products: | | 401 KAR 61:050 |
| 20(T-105) | 725,600 gallons capacity (2,747 $m^3$) | (exempt by Section 1(3)) |
| (T-106) | 719,198 gallons capacity (2,722 $m^3$) | |
| (T-109) | 124,110 gallons capacity (470 $m^3$) | |
| (T-110) | 124,110 gallons capacity (470 $m^3$) | |
| Low VP petroleum products: | | 401 KAR 61:050 |
| (T-10) | 630,000 gallons capacity (2,385 $m^3$) | (exempt by Section 1(3)) |
| (T-11) | 630,000 gallons capacity (2,385 $m^3$) | |
| (T-12) | 1,260,000 gallons capacity (4,770 $m^3$) | |
| Additive Tanks: | | 401 KAR 59:050 |
| (42) | 3,990 gallons capacity | |
| (40B) | 10,082 gallons capacity | |
| (44) | 12,012 gallons capacity | |
| (41A) | 10,023 gallons capacity | |
| (43) | 1,008 gallons capacity | |
| (40A) | 9,981 gallons capacity | |
| (45) | 6,006 gallons capacity | |
| (46) | 2,016 gallons capacity | |
| (41B) | 9,979 gallons capacity | |
| 07 (FUG-1) | Fugitive Emissions | 401 KAR 63:010 |

## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

2. VOC and hazardous air pollutant (HAP) emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

3. **Source Emission Limitations:**
   a. The total annual source-wide emissions shall not exceed the following limitations on a twelve (12) consecutive month basis. Compliance with these limitations shall make this facility an area source of HAP emissions as defined in 40 CFR 63.2, and the requirements of 40 CFR 63, Subpart R, *National Emissions Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)*, shall not apply.
      (1) Emissions of any single hazardous air pollutants (HAP) shall not exceed 9 tons per twelve (12) consecutive month basis; and
      (2) Emissions of combined hazardous air pollutant (HAPs) shall not exceed 22.5 tons per twelve (12) consecutive month basis.

   b. Pursuant to 401 KAR 63:020, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.

   ***Compliance Demonstration Method:***
   a. Calculate annual source-wide emissions from all storage and loading operations for each month of the previous 12-month period (i.e.: for the month of January, the compliance demonstration shall be completed in February and shall include all data from February of the previous year to the last day of January). The monthly compliance demonstration shall include, at a minimum, the following:
      (1) The monthly and consecutive 12-month throughput of each product at each emission unit specified in paragraph (2) below.
      (2) The monthly and consecutive 12-month individual HAP and combined HAP emission rates from the following operations:
         (a) Paducah Terminal Loading Rack, EP 15 (LR-1);
         (b) Riverway Terminal Loading Rack, EP 04 (LR-1);
         (c) Paducah Facility Petroleum Product Storage Tanks, EP 16(T-101), 17(T-102), 18(T-103), 19(T-104);
         (d) Riverway Facility Petroleum Product Storage Tanks, 02(T-1), 03(T-2), 10(T-3), 11(T-4), 12(T-5), 09(T-6), 14(T-7), 08(T-8), 13(T-9)
         (e) Barge Loading, EP 05 (RBRG-1)

## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)

All emission calculations shall be based on the Compliance Demonstration Methods specified in Section B for the respective emission point, or using standard USEPA methodology (i.e.: the most current TANKS program for tanks, AP-42 emissions factors for material loading, appropriately summing the product of the weight percent of each HAP in the organic material emissions for each organic material emissions attributed to the storage and handling of that liquid, etc.).

b. Demonstration of compliance with the source-wide emission limitations in paragraph **3.a.** above shall also serve as the demonstration of compliance with the air toxic limitation in paragraph **3.b.** above.

4. **Source Recordkeeping Requirements:**
Actual VOC and HAP emissions from each emission point shall be determined and recorded on a monthly basis in accordance with **Source Emission Limitations 3, Compliance Demonstration Method**. The permittee shall maintain records onsite such that they are readily accessible. These records shall indicate the throughput volume of each type of product per storage tank (gallons per month) and the measured loading rack and barge loading throughput volume (gallons per month) of each type of product and the permittee shall provide these records to Division personnel upon request.

5. **Source Reporting Requirements**:
The permittee shall collect a sample of gasoline or other liquid commodity stored at this plant and provide a HAPs content analysis at the request of Division personnel. The results shall be reported in terms of weight percent of each HAP as defined by Regulation 401 KAR 63:060. The permittee shall complete the analysis and report the results to the Division’s central office in Frankfort within 30 days of a written request to collect and analyze the sample.

## SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place as defined in this permit, and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
   b. To access and copy any records required by the permit:
   c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

   Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
   a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
   b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.

8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
   a. Identification of the term or condition;
   b. Compliance status of each term or condition of the permit;
   c. Whether compliance was continuous or intermittent;
   d. The method used for determining the compliance status for the source, currently and over the reporting period.
   e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
   f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

Division for Air Quality
Paducah Regional Office
130 Eagle Nest Dr.
Paducah, KY 42003-9435

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
200 Fair Oaks Lane, 1st Floor
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

## SECTION G - GENERAL PROVISIONS

1. General Compliance Requirements

   a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].

   b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

   c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
      (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
      (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
      (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
      (4) New requirements become applicable to a source subject to the Acid Rain Program.

      Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

   d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

   e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

## SECTION G - GENERAL PROVISIONS (CONTINUED)

f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3) 2.].

l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.

n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3) 4.].

o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3) 1.].

## SECTION G - GENERAL PROVISIONS (CONTINUED)

p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:

(1) Applicable requirements that are included and specifically identified in the permit and
(2) Non-applicable requirements expressly identified in this permit.

2. Permit Expiration and Reapplication Requirements

a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].

b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

3. Permit Revisions

a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).

b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

4. Construction, Start-Up, and Initial Compliance Demonstration Requirements
   Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the equipment described herein, emission points 11 (T-4) and 04 (LR-1) in accordance with the terms and conditions of this permit.

   a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

   b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
      (1) The date when construction commenced.
      (2) The date of start-up of the affected facilities listed in this permit.
      (3) The date when the maximum production rate specified in the permit application was achieved.

   c. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.

   d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.

   e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.

   f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

5. Testing Requirements

   a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

   b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.

   c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

6. Acid Rain Program Requirements

   a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

   b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

7. Emergency Provisions

   a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:

      (1) An emergency occurred and the permittee can identify the cause of the emergency;

## SECTION G - GENERAL PROVISIONS (CONTINUED)

(2) The permitted facility was at the time being properly operated;
(3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
(4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
(5) This requirement does not relieve the source of other local, state or federal notification requirements.

b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].

c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

8. Ozone Depleting Substances

a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

(1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
(2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
(3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
(4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
(5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
(6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

## SECTION G - GENERAL PROVISIONS (CONTINUED)

9. Risk Management Provisions

   a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

      RMP Reporting Center
      P.O. Box 1515
      Lanham-Seabrook, MD 20703-1515.

   b. If requested, submit additional relevant information to the Division or the U.S. EPA.

## SECTION H - ALTERNATE OPERATING SCENARIOS

None

## SECTION I - COMPLIANCE SCHEDULE

None